

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Reid Von Borstel

Atty. Ref.: 1331-300

Serial No. 09/494,243

Group: 1623

Filed: January 31, 2000

Examiner: Howard V. Owens, Jr.

For: ACYL DEOXYRIBONUCLEOSIDE  
DERIVATIVES AND USES THEREOF

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Your petitioner, Wellstat Therapeutics Corporation, a corporation having an office and place of business/residing at 930, Clopper Road, Gaithersburg Maryland 20878, the undersigned being the attorney of record, represents that it is the assignee as evidenced by the attached true copy of an executed assignment submitted for recordal in the USPTO on May 2, 2005, of all right, title and interest in and to application Serial No. 09/494,243, filed on January 31, 2000 for ACYL DEOXYRIBONUCLEOSIDE DERIVATIVES AND USES THEREOF. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. patent 6,020,322, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during

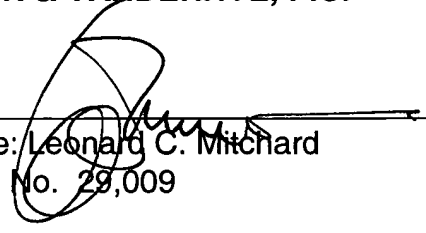
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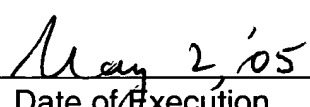
such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to said U.S. patent 6,020,322, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said U.S. patent 6,020,322 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Respectfully submitted,  
**NIXON & VANDERHYE, P.C.**

  
Name: Leonard C. Mitchard  
Reg. No. 29,009

  
Date of Execution

Attachment: true copy of executed assignment

**ASSIGNMENT FOR PATENT APPLICATION**  
**(All Rights)**

WHEREAS, Reid von Borstel and Michael K. Bamat, (hereinafter ASSIGNORS) of 8310, Fox Run, Potomac Maryland, 20854 and 8310, Fox Run, Potomac Maryland 20854; respectively, have invented a certain improvement in ACYL DEOXYRIBONUCLEOSIDE DERIVATIVES AND USES THEREOF for which a so-entitled PCT International Application was filed in the USPTO Receiving Office on October 27, 1988 as PCT/US88/03824;

WHEREAS, Wellstat Therapeutics Corporation (hereinafter ASSIGNEE), a corporation of the State of California, having an office and place of business at 930, Clopper Road, Gaithersburg Maryland 20878 is desirous of acquiring an interest in the applications;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNORS by these presents hereby sell, assign, and transfer unto the said ASSIGNEE, its successors, assigns, and legal representatives, ASSIGNORS' entire right, title and interest in the United States of America and all foreign countries, in and to the invention as described in said PCT/US88/03824; and to all patent applications based thereon, including any and all continuations, divisions, continuation-in-parts, reissues, and substitutes thereof, and all resulting patents, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of

America adheres; and the ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns, and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention;

ASSIGNORS hereby agree to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives, deemed essential to ASSIGNEE'S full protection and title in and to the invention hereby transferred;

AGREED and executed as noted below:

21 April 2005

Date

Witnessed by:

Stacey S. Williams

Name: Stacey S. Williams

Reid von Borstel

Reid von Borstel

21 April 2005

Date:

21 April 05

Date

Witnessed by:

Stacey S. Williams

Name: Stacey S. Williams

Michael K. Bamat

Michael K. Bamat

21 April 2005

Date: